

The Examiner rejected claims 1-3, 5-7, 12-14, and 16-18 under 35 USC § 102 as being anticipated Heinonen et al. (US 5,887,266), hereinafter Heinonen.

**Regarding claim 1**, the Examiner stated that Heinoen discloses a gateway computer arranged to receive said request message from said handset over said telecommunications network and to retransmit said request message, citing column 1, lines 42-45, and column 3, lines 61-64, of Heinonen.

Column 1, lines 42-45 of Heinonen states that the "internal operation of the card in use is controlled by the CPU in accordance with the program code stored in the program." Column 3, lines 61-64, of Heinonen states that "FIG. 2 shows the electric construction of an application module bus between the application module connection unit and CPU of a mobile station in accordance with the invention." These passages cited by the Examiner do not disclose a gateway computer that is arranged to receive said request message from said handset over said telecommunications network and to retransmit said request message, as recited in claim 1. The cited part of column 1 describes an internal operation of a card with controlled by the CPU of a handset not a communication over a telecommunications network. Cited FIG. 2 shows parts of a handset (mobile station). FIG. 1 shows the same master control unit (MCU) and module connection unit 6 as part of a handset, since FIG. 1 is described as a block diagram of a mobile station, col. 3, lines 58-60, of Heinonen. Therefore the cited passages of Heinonen disclose internal components of a handset, not a gateway computer arranged to receive said request message from said handset over said telecommunications network.

For these reasons, claim 1 is not anticipated by Heinonen.

**Claims 2 and 3** are dependent on claim 1, and for this reason are not anticipated by Heinonen.

**Regarding claim 5**, for the reasons discussed above regarding claim 1, claim 5 is not anticipated by Heinonen. In addition, claim 5, as amended, recites that the smart card is able to interface with a point-of-sale terminal through a contact interface with the point-of-sale terminal. The types of smart cards disclosed in the invention of Heinonen do not use physical contact with a point-of-sale terminal. Instead, column 10, lines 17-48, of Heinoen discloses that infra red or other transmissions from the handset are used to communicate with an electronic point of sale terminal to provide payment. Heinonen does not disclose payment by a smart card interfacing with a point-of-sale terminal through a contact interface. Instead, the invention of Heinonen in

column 3, lines 25-30 states that the inventive mobile station is used in place of traditional plastic cards. For these reasons, claim 5, as amended, is not anticipated by Heinonen.

**Claims 6 and 7** are dependent on claim 5, and for this reason are not anticipated by Heinonen.

**Regarding claim 12**, the Examiner stated that the receiving a response message which includes the authentication response certificate and the validating said authentication response certificates are disclosed by column 3, lines 31-36 and 44-56 of Heinonen. Nothing in the cited passage of Heinonen discloses validating an authentication response certificate. For this reason, claim 12 is not anticipated by Heinonen.

**Claims 13 and 14** are dependent on claim 12, and for this reason are not anticipated by Heinonen.

**Regarding claim 16**, the Examiner stated that a merchant server computer arranged to receive said order request message and to generate a purchase instruction message intended for said handset disclosed by the MCU for the handset of Heinonen. The MCU is the master control unit of the handset, so that it could not be a separate computer to generate purchase instructions intended for the handset as recited in claim 16. In addition, page 16, lines 11-13, of the present application states that the merchant server 410 is a computer that offers the user a product or a service over the GSM network to be displayed on the handset 102. FIG. 6 illustrates the merchant server 410 as a separate computer that communicates with the handset over a wireless network. This is not anticipated by the MCU of the handset. For these reasons, claim 16 is not anticipated by Heinonen.

**Claims 17 and 18** are dependent on claim 16, and for this reason are not anticipated by Heinonen.

The Examiner rejected **claims 8 and 15 under 35 USC § 103** as being unpatentable over Heinonen. The Examiner stated that Heinonen does not explicitly disclose that in response to a successful load, the handset is arranged to generate a transaction certificate to be used for irrepudiation. The Examiner took Official Notice that it is old and well known in the payment arts that in response to a successful load, the handset is arranged to generate a transaction certificate to be used for irrepudiation. The applicant traverses such an assertion and respectfully requests that the Examiner provides a cited reference to support his position of it being known to

use a handset to generate a transaction certificate used for irrepudiation. For these reasons, claims 8 and 15 are not made obvious by Heinonen.

The Examiner rejected **claims 4, 9-11, and 19-22 under 35 USC § 103** as being unpatentable over Heinonen and further in view of Jonstromer (WO 96/32700). **Regarding claim 4**, the Examiner stated that Heinonen discloses a smart card loading system as recited in claim 1, but does not explicitly disclose that the authentication computer authenticates the smart card using a first cryptographic signature and generates a second cryptographic signature to authenticate a load response, whereby the transaction is secured. The Examiner further stated that Jonstromer discloses such steps on page 1, line 24, to page 2, line 8, and on page 8, lines 25-32, and on page 13, line 31, to page 14, line 9, and on page 16, line 13, to page 17, line 22. The Examiner said it would be obvious to authenticate the smart card using the first cryptographic signature and generate a second cryptographic signature to authenticate a load response for the purpose of increasing system security. Claim 4 is dependent on claim 1 and for this reason is not made obvious by Heinonen in view of Jonstromer.

**Claim 9** has been amended to further recite placing the smart card in contact with a point-of-sale terminal to provide a contact interface with said point-of-sale terminal, and using the point-of-sale terminal to debit said smart card to perform a purchase. Both Heinonen and Jonstromer teach away from this limitation. Instead of placing the smart card loaded by a mobile handset in physical contact with a point-of-sale terminal, Heinonen and Jonstromer both teach using the telecommunications network or IR or some other remote communications. For these reasons, claim 9 is not made obvious by Heinonen in view of Jonstromer.


**Claims 10 and 11** are dependent on claim 9, and for this reason are not made obvious by Heinonen in view of Jonstromer.

**Claims 19-22** have been canceled.

Applicant believes that all pending claims, as amended, are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at telephone number (831) 655-2300.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Michael Lee". The signature is fluid and cursive, with a long horizontal stroke at the end.

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